

JURISDICTION:

GEORGIA

General Reference:

This chapter summarizes Georgia Statute statutes related to speed.
Code of Georgia Annotated (Code of 1981)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards than existing. §40-6-180

**Statutory Speed Limit:
See Other below.**

70 MPH¹ on interstate system or on physically divided highways outside of urban areas with a population ≥50,000 §40-6-181(b)(2)
65 MPH¹ on the interstate system inside urban areas with a population ≥50,000 §40-6-181(b)(3)
65 MPH¹ on State divided highways without full access control §40-6-181(b)(4)
55 MPH on other locations §40-6-181(b)(5)
30 MPH in urban or residential district §40-6-181(b)(1)
35 MPH on unpaved county road §40-6-181(b)(1.1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, either the State Commissioner of Public Safety or the Commissioner of Transportation may lower the above speed limits on any highway.² §40-6-182
II. Based on engineering and traffic investigations, local governments, within their jurisdictions, may lower the maximum speed limit on any highway. However, such limit shall neither be less than 30 MPH outside an urban or residential district nor less than 25 MPH within such districts. §40-6-183(a)
III. The State or a local government, within its jurisdiction, may establish a maximum speed limit in a construction zone. §40-6-188

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §40-6-184(a)(1)
II. Except when turning left, a person shall not drive in the left lane of a highway, with at least 4 lanes, at less than the maximum speed limit.³ §40-6-184(a)(2)
III. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. §40-6-40(b)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State or a local government, within its jurisdiction, may establish a minimum speed limit on any highway. §40-6-184(b)

Basis for a Speed Law Violation: (continued)

¹Provided speed limit signs, appropriately designating this speed limit, have been posted on the highway.

²This includes the establishment of different highway speed limits either (1) at different times of the day, (2) for various weather conditions or (3) for other factors bearing on safe speeds. §40-6-182 Note: The law does not specifically allow State authorities to establish different speed limits for different types of vehicles.

³This only applies if the driver is aware that they are being overtaken in the left lane by vehicles traveling at a greater rate of speed.

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Other: A school bus shall not be operated at a speed >40 MPH or >55 MPH on interstate/defense highway system while transporting children to and from school activities.⁴ §40-6-160

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: Except as Noted, All Speed Law Violations are Misdemeanors. §40-6-1
Other: Speeding in a Construction Zone is a Misdemeanor of a High and Aggravated Nature. §40-6-188(c)

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:
Imprisonment:
Term (Day, Month, Years,
Etc.): Speed Law Violations-Not more than **12 months** §17-10-3(a)(1) Speeding in a Construction Zone-Not more than **12 months** §40-6-188(c)
Mandatory Minimum Term: **None**
Fine:
Amount (\$ Range): Speed Law Violations-Not more than **\$1,000**⁵ §17-10-3(a)(1)
Speeding in a Construction Zone-**\$100 to \$2,000**⁵ §40-6-188(c)
Mandatory Min. Fine (\$): **None**
Other Penalties:
Traffic School: A driver may be required to attend a driver improvement course.⁶ §40-5-57(c)(1)(C)
Other:

⁴There is an exception. A school bus may be operated on other roads at a speed >55 MPH provided the vehicle is only transporting children to and from an event and is not loading or unloading children during the transportation. §40-6-160(b)

⁵An additional fine equal to 5% of the original fine is imposed and deposited into the Peace Officer's Annuity and Benefit Fund. §15-21-131

⁶If a driver attends a driver improvement course after the issuance of the citation but before they make a court appearance, the court shall reduce the fine by 20 percent and the licensing agency shall assess no points against the violator. This procedure is allowed only once in 5 years. §40-5-57(c)(1)(C)

Licensing Action:	
Type of Licensing Action	
(Susp/Rev):	Suspension via the Point System ⁷ §40-5-57
<u>Sanctions Following an Adjudication of a Speed Law Violation:</u>	
(continued)	
Licensing Action:	
Type of Licensing Action	
(Susp/Rev): (continued)	<u>Persons Under 21 Years Old.</u> A person <21 years old who is convicted of a speeding offense with an assigned point value of ≥4 points is subject to Revocation. §40-5-57.1(a), (b)(1) & (d)
Term of License Withdrawal	
(Days, Months, Years, etc.):	1 to 5 years depending on the number of points that have been accumulated. §40-5-57(d)
	<u>Persons Under 21 Years Old</u> who are subject revocation. 1st offense-6 months 2nd or subsequent offense-12 months. A person's license cannot be reinstated until they have completed a defensive driver program. §40-5-57.1(a), (b)(1) & (d)
Mandatory Minimum Term of	

⁷**Point System.** I. A person's license is subject to suspension if they accumulate 15 or more points within a 24 month period. At the end of the suspension period, the point count is reduced to zero. Upon reaching the requisite point assessment for the first time, the license suspension is for 1 year. Upon reaching the requisite point assessment for the second time within 5 years, the license suspension is for 3 years. Upon reaching the requisite point assessment for the third time within 5 years, the license suspension is for 5 years; 2 years of this suspension period are mandatory. §40-5-57(c)(1)(B) & (d) II. The following points are assessed for speeding and speed related violations: Reckless driving-4 points; exceeding the speed by >14 MPH but <19 MPH-2 points; exceeding the speed by >19 MPH but <24 MPH-3 points; exceeding the speed by >24 MPH but <34 MPH-4 points; exceeding the speed by >34 MPH-6 points; other moving violations-3 points. Important. No points are assessed for driving too fast for conditions. §40-5-57(c)(1)(A)

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Withdrawal:

2 years upon reaching the requisite point assessment for the third time within 5 years⁸ §40-5-57(d)(3)

Persons Under 21 Years Old who are subject to revocation. 1st offense-6 months 2nd or subsequent offense-12 months §40-5-57.1(a), (b)(1) & (d)

Miscellaneous Sanctions

Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway⁹:

Misdemeanor §40-6-186(b) & (c)

Sanctions:

Criminal Sanction:

Not more than **12 months** §17-10-3(a)(1)

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

Not more than **\$1,000**⁵ §17-10-3(a)(1)

Mandatory Minimum Fine:

None

Other Criminal Actions Related to Speeding: (continued)

Racing on Highway: (continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension §40-5-54(a)(4) & 40-6-186(c) **Suspension** via the Point System⁷ §40-5-57

Persons Under 21 Years Old **Revocation** §40-5-57.1(a), (b)(1) & (d)

Length of Term of

Licensing Withdrawal:

12 months §40-6-186(c) Via the Point System **1 to 5 years** depending on the number of points that have been accumulated. §40-5-57(d)

Persons Under 21 Years Old. 1st offense-6 months 2nd or subsequent offense-12 months A person's license cannot be reinstated until they have

⁸I. **Hardship License.** Except as indicted, a person may be issued a limited license for the purpose of either (1) going to and from a place of employment or performing employment duties, (2) receiving medical care or obtaining medications or (3) attending either educational institutions, alcohol/drug abuse support groups or a court ordered driver improvement course. §40-5-64 II. **Early License Reinstatement.** For a license suspension based upon reaching the requisite point assessment for the first time, the license may be reinstated immediately when the person complete a driver improvement course. For a license suspension based upon reaching the requisite point assessment for the second time within 5 years, the license may be immediately reinstated upon the completion of an "advanced" driver improvement course. §40-5-84(c) & (d)

⁹Racing on the highways includes "any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record...." §40-6-186(b)

Mandatory Action--Minimum Length of License	completed a defensive driver program. §40-5-57.1(a), (b)(1) & (d)
Withdrawal:	None ¹⁰ If via the Point System- 2 years upon reaching the requisite point assessment for the third time within 5 years ⁷ §40-5-57(d)(3) <u>Persons Under 21 Years Old. 1st offense-6 months 2nd or subsequent offense-12 months</u> §40-5-57.1(a), (b)(1) & (d)
Other:	A driver may be required to attend a driver improvement course. ⁶ §40-5-57(c)(1)(C)
<u>Reckless Driving</u> ¹¹ :	Misdemeanor §40-6-390(a) & (b)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 12 months §40-6-390(b)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$1,000 ⁵ §40-6-390(b)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via the Point System ⁷ §40-5-57 <u>Persons Under 21 Years Old. Revocation</u> §40-5-57.1(a), (b)(1) & (d)
<u>Other Criminal Actions Related to Speeding:</u> (continued)	
<u>Reckless Driving:</u> (continued)	
Length of Term of License	
Withdrawal Action:	1 to 5 years depending on the number of points that have been accumulated. §40-5-57(d) <u>Persons Under 21 Years Old. 1st offense-6 months 2nd or subsequent offense-12 months</u> A person's license cannot be reinstated until they have

¹⁰**I. Hardship License.** A person may be issued a limited license for the purpose of either (1) going to and from a place of employment or performing employment duties, (2) receiving medical care or obtaining medications or (3) attending either educational institutions, alcohol/drug abuse support groups or a court ordered driver improvement course. §40-5-64 II. **Early License Reinstatement.** For a license suspension based upon a first offense, the license may be reinstated after 120 days upon the completing of a driver improvement course. And, for a license suspension based upon a second offense, the license may be reinstated after 120 days upon the completion of an "advanced" driver improvement course. §40-5-84(a) & (b)

¹¹Under a separate statute, a person is required to "exercise due care in operating a motor vehicle...." A violation of this requirement is a misdemeanor for which a person is subject to a jail term of not more than 12 months and/or a fine of not more than \$1,000. In addition, they may be subject to license suspension via the point system; see Footnote No. 7. §§17-10-3(a)(1), 40-5-57, 40-6-1 & 40-6-241

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Mandatory Term of License Withdrawal Action:	completed a defensive driver program. §40-5-57.1(a), (b)(1) & (d) 2 years upon reaching the requisite point assessment for the third time within 5 years ⁶ §40-5-57(d)(3)
Mandatory Term of License Withdrawal Action: (continued)	<u>Persons Under 21 Years Old. 1st offense-6 months 2nd or subsequent offense-12 months</u> §40-5-57.1(a), (b)(1) & (d)
Other:	A driver may be required to attend a driver improvement course. ⁶ §40-5-57(c)(1)(C)
<u>Driving in Circular or Zigzag Course (Laying Drags)</u> ¹² : Sanction: Criminal: Imprisonment (Term):	Misdemeanor §40-6-251(a) & (d) Not more than 12 months §17-10-3(a)(1)
Mandatory Minimum Term of Imprisonment: Fine (\$ Range): Mandatory Minimum Fine:	None Not more than \$1,000 ⁵ §17-10-3(a)(1) None
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev): Length of Term of License Withdrawal Action:	Suspension via the Point System ⁷ §40-5-57 1 to 5 years depending on the number of points that have been accumulated. §40-5-57(d)
Mandatory Term of License Withdrawal Action:	2 years upon reaching the requisite point assessment for the third time within 5 years ⁷ §40-5-57(d)(3)
Other:	A driver may be required to attend a driver improvement course. ⁶ §40-5-57(c)(1)(C)

¹²This offense is defined as operating a "vehicle upon the streets, highways ... in such a manner as to create a danger to persons or property by intentionally and unnecessarily causing the vehicle to move in a zigzag or circular course or to gyrate or spin around,...." §40-6-251(a)

Commercial Motor Vehicle (CMV) Operators¹³:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹⁴ within a 3 year period or (2) commit 3 such violations within a 3 year period. §40-5-151(g)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §40-5-151(g)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §40-5-151(g)

¹³ A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §40-5-142(7)

¹⁴ A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §40-5-142(22)